

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TRAVON LEON FREEMAN,

Plaintiff,

v.

PFEIFFER, *et al.*,

Defendants.

Case No. 1:20-cv-00320-DAD-BAM (PC)

ORDER DENYING PLAINTIFF’S MOTION FOR
DISCOVERY AS PREMATURE

(ECF No. 11)

Plaintiff Travon Leon Freeman (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

On April 30, 2020, Plaintiff filed a motion to depose Defendant Pfeiffer and CDCR Secretary Ralph Diaz, who is not named in this action. (ECF No. 11.)

Plaintiff’s motion for discovery is premature and shall be denied without prejudice. Plaintiff’s application to proceed *in forma pauperis* was denied, (ECF No. 9), and Plaintiff has not yet paid the filing fee in full as required to proceed in this action.¹ In addition, the Court has not screened Plaintiff’s complaint to determine whether it is subject to dismissal or whether the action should proceed to discovery on Plaintiff’s claims. 28 U.S.C. § 1915(e)(2)(B)(ii) (“Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall

¹ Plaintiff has filed an interlocutory appeal of the Court’s denial of Plaintiff’s application to proceed *in forma pauperis*, which is currently pending. (ECF Nos. 13–15.)

1 dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a
2 claim upon which relief may be granted.”) The complaint has not been ordered served, no
3 defendants have appeared, and discovery has not been opened.

4 Accordingly, Plaintiff’s motion for discovery, (ECF No. 11), is HEREBY DENIED,
5 without prejudice, as premature.

6
7 IT IS SO ORDERED.

8 Dated: May 5, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE